



Illegal Occupation/Blockades: Strategic Enforcement Strategy

CONTEXT

Given the complexity of the ongoing multi-day occupations and blockades, safe resolution requires three levels of government to collaborate and exercise all appropriate authorities. To those ends, and in particular with respect to illegal activity involving commercial motor vehicles (trucks), a 'strategic enforcement strategy' is offered for consideration by police services, local governments and transportation authorities of jurisdiction, cities and provinces.

The strategy involves two key elements:

1. **Communications**
2. **Enforcement**

1. COMMUNICATIONS

Some individuals involved in illegal activity as part of the demonstrations do not believe they are doing anything illegal and hence there will be no negative consequences for such actions. The opposite is true. The consequences could be severe. Immediately adopting this strategy and communicating clearly and directly to protestors (and to Canadians) about the illegal activities at play – and their impact – could incent compliance and "peel off" some trucks once their owners realize the potential economic costs and risks.

The sequencing of messaging is important. The plan is for the following key messages to be used by federal, provincial and municipal leaders when local law enforcement is ready to take action and when there is a reasonable prospect for enforcement soon, while giving protestors time to comply.

- Participating in lawful protests is a fundamental right in Canada. Breaking the law is not.
- Blockades are forcing some factories to down tools and send workers home. They are interfering with their ability to earn a living and access essential goods, including food from grocery stores. And they are making Canadians feel threatened in their homes and communities.
- Those involved in these blockades and breaking multiple provisions of each of the following:
 - municipal bylaws
 - The provincial Highway Traffic Act
 - *Criminal Code of Canada*.
- Mischief, intimidation, obstructing police efforts, unnecessary use of horns, traffic infractions – these, and many other violations, are all punishable by law with fines in the thousands of dollars, permanent records of criminal convictions, and even jail time.
- The vehicles used in the blockades are subject to seizure and being impounded by the police for an extended period of time, and may even be subject to forfeiture.
- Truck owners could be subject to the loss of their Commercial Vehicle Operators License and/or their insurance due to multiple convictions under Highway Traffic Act and the Criminal Code involving the use of their vehicle in an illegal blockade.

- All of these convictions and fines and forfeitures of assets are subject to due process of course in the courts and by provincial regulatory authorities.
- To be clear: it is illegal to block highways and city streets and hold the livelihood of your fellow citizen's ransom.
- Know this: The authorities will uphold the law are empowered to make arrests, lay charges and pursue enforcement action vigorously. Anyone who continues these illegal activities should consider themselves warned of the consequences.
- But we truly prefer it prefer it not come to that. So we urge protestors to understand what is at stake. For the sake of your own safety, your economic well-being, and your ability to earn a livelihood with your commercial vehicle.... we ask you to go home now.

2. Enforcement

There is an opportunity to take decisive enforcement action where commercial trucks or other vehicles are involved as part of an unlawful protest/demonstration:

A. Police

1. Issue tickets for each vehicle in contravention of provisions of applicable legislation and/or where drivers fail to comply with police requests/direction.
2. Conduct surveillance, gather plate numbers and driver information of all vehicles involved and pass on to Provincial authorities.
3. Tow, impound and in some cases seize implicated vehicles.

B. Provincial Transportation Authorities

1. Support local law enforcement in managing vehicle flows by, for example, conducting roadside safety and emissions inspections with maximum penalties for infractions (e.g. fines or impounding vehicles)
2. Use, or establishment, of provincial emergency legislation creating additional offences for illegal blockades (e.g. as in Nova Scotia and Alberta).
3. Assess surveillance data to determine if further investigation/audit warranted related to the Commercial Vehicle Operators Registration.

By way of additional context, it is important to note additional considerations for truck drivers beyond those that might apply to drivers of typical passenger vehicles, notably:

- *Class 1 (Class A) Driver Licence*
 - Licence can be suspended due to convictions for serious criminal code infractions related to driving (impaired driving, dangerous driving causing injury, death etc.)
 - Licence can also be suspended due to a large accumulation of demerit points
- *Commercial Motor Carrier Profile (e.g. referred to in Ontario as Commercial Vehicle Operator's Registration (CVOR) certificate)*
 - CVOR is issued to the company (including an owner-operator) and under the certificate is a carrier safety rating
 - Safety rating can be impacted by convictions related to driving/safety under the criminal code, highway traffic act, failed inspections, and other safety incidents.
 - Each driver under a CVOR also has a driver abstract that is similarly impacted by the above and affects the carrier rating
 - Carrier ratings and driver profiles/abstracts are available to the public and affect cost and availability of insurance.